

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONVERGENT WEALTH ADVISORS LLC,

Plaintiff,

-against-

LYDIAN HOLDING COMPANY, LYDIAN TRUST
CO., LYDIAN WEALTH MANAGEMENT
COMPANY LLC, CMS STRATEGIES COMPANY,
LLC, WINDERMERE INVESTMENT
ASSOCIATES, LLC, and WINDERMERE CAPITAL
MANAGEMENT LLC,

Defendants.

12 Civ. 01199 (SAS)

ECF Case


Hon. Shira A. Scheindlin

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Complaint in this action, the accompanying Declaration of Joel M. Miller, dated March 23, 2012, and the exhibits thereto, and the accompanying Memorandum of Law, defendants will move this Court, Hon. Shira A. Scheindlin, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, Courtroom 15C, on April 16, 2012, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to Fed. R. Civ. P. 12(b)(1) dismissing the Complaint in this action for lack of a case or controversy within the meaning of U.S. Constitution, Article III, section 2, or, in the alternative, pursuant to Rule 12(b)(6) for failure to state a claim on which relief can be granted.

Dated: March 23, 2012

MILLER & WRUBEL P.C.



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